

**MINUTES OF THE  
GREENSBORO ZONING COMMISSION  
AUGUST 8, 2005**

**REGULAR MEETING**

A regular meeting of the Greensboro Zoning Commission was held on Monday, August 8, 2005 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Vice Chair Tony Collins, Paul Gilmer, Sr., J.D. Haynes, Peter Kauber, Bill Schneider, Portia Shipman and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Vice Chair Collins welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

**CHANGES IN AGENDA:**

**APPROVAL OF THE MINUTES OF THE JULY 11, 2005 JOINT MEETING AND JULY 11, 2005  
REGULAR MEETING.**

Mr. Gilmer moved acceptance of the minutes as written, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Collins, Gilmer, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: None.)

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

- A. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOUSES/CONDOMINIUMS DESIGNED FOR SALE. 2) MAXIMUM NUMBER OF UNITS SHALL BE 40. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF KENNETH ROAD WEST OF BELL ORCHARD DRIVE – FOR KENNETH R. COFFER. (CONTINUED FROM JULY 11, 2005 MEETING) (DENIED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

David Coffey, 3719 Hobbs Road, represented himself and Ken Coffey, who is the property owner. He pointed out some of the features shown on the map. They were proposing going from a general office development on N. Elm Street to a multifamily development on the subject property. According to the 2025 Comp Plan, they would be staying within what had already been approved. Since the last Commission meeting, they had a neighborhood meeting at which about 30 people attended. He felt the neighbors understood what was happening, but, like all of us, they were trying to protect their neighborhood and keep it like to protect their neighborhood and keep it as it was. He felt their main concern was with the traffic patterns.

The following residents of the immediate area spoke in opposition to this request. Their main oppositions were the size (40 units), traffic patterns, no sidewalks, decrease in property values and quality of life. Speakers were Robert Wooten, 612 Kenneth Road; Frank Fontana, 4214 Bell Orchard; Darla Lee, 611 Kenneth Road; Samuel Danagoulinn, 4215 Bell Orchard; Joseph Robeschek, 4213 Bell Orchard; Juliette Pearman, 623 Kenneth Road and Alfred Cole, 4216 Bell Orchard. Mr. Cole handed up a petition signed by neighbors opposed to this request.

There was no rebuttal by Mr. Coffey and no other speakers so the public hearing was closed.

Mr. Hails said the GFLUM of the Comp Plan showed moderate density residential on this site. What they were proposing with the request was complying with that. However, staff feels the main reason that that land use was included there was the future construction of the Urban Loop that was set in that location prior to the adoption of the Comp Plan. The funding and construction schedule of the Loop was being pushed back. It will be well after 2010. Staff feels that, given the fact that there was a fairly stable residential environment in this area, a rezoning request to moderate density at this time was premature. He particularly noted that some of the single-family properties remain to the east of this site, still zoned single-family residential and particularly make this premature at this time. Staff does not support this request. He felt they likely would at some future time, particularly once the Urban Loop in that vicinity was constructed.

Ms. Reeves with GDOT said there were no planned road improvements at this time and no plans to extend Kenneth Road any farther.

Ms. Shipman moved denial of this ordinance, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Collins, Gilmer, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: None.)

### **NEW BUSINESS:**

- A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO TOWNHOMES DESIGNED FOR SALE AND THEIR RELATED USES (E.G. AMENITIES). 2) MAXIMUM OF 50 TOWNHOMES. 3) TOWNHOMES NOT TO EXCEED 2 STORIES IN HEIGHT. 4) THE EXTERIOR OF EACH TOWNHOME WILL BE CONSTRUCTED OUT OF THE PRIMARY BUILDING MATERIALS CONSISTING OF EITHER BRICK, STONE, MASONRY MATERIAL (E.G. STUCCO), VINYL, OR WOOD. 5) LIGHTING TO BE DIRECTED INWARD OR SHIELDED FROM ADJACENT PROPERTIES. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF GUILFORD COLLEGE ROAD BETWEEN JAYKAT LANE AND GARDNER LANE – FOR 1717 ASSOCIATES, LLC. (DENIAL)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

There was no one present to speak in support of this request.

Mike McLaughlin, 6001 Jaykat Lane, spoke in opposition and said he represented the owners living on Jaykat Lane. His reasons for opposition were lack of knowledge as to what was being proposed, property values, and crime going up. He had no information on the townhouses proposed, but from what he could gather, they would not fit in the neighborhood. No one had given him or the other residents on Jaykat Lane any information on what was intended to be built.

There were no other speakers and the public hearing was closed.

Mr. Hails said the GFLUM of the Comp Plan showed this site does meet moderate residential. That means six to 12 dwelling units per acre. They recognize that the context out there has a mixture of housing units and land uses ranging from some of the more recent multifamily developments as noted up the road, which were zoned last year, to some fairly recent single-family developments as well to some very rural residential kind of development. He thought the designation in the Comp Plan indicated this was a major thoroughfare. The area was generally developing and seeing some higher densities. Staff certainly appreciated that they need to be generally compatible. They think some of the conditions attached to this request assist in that. He agreed they did not go into a huge amount of detail, just designate some possible exterior materials. They noted in the staff report that adjacent property would be appropriate for similar densities, if it were to be proposed for development, but that was not before the Commission today. He noted that they did have several corridor plans that were accepted in 1995 or 1998 that call for low density, single-family development. Staff felt that the GFLUM that was adopted by City Council officially was probably a better land use guide, at least a more current one. Because of those reasons, staff recommended approval of the request.

Mr. Kauber said the Commission and the neighbors deserved an appearance by the applicant and he would be voting against this request. Ms. Shipman said she felt that not enough information had been given and she would be opposing this request. Mr. Haynes said he would also vote against the request because the applicant was not here to discuss the plans.

Mr. Schneider moved for denial of this ordinance, seconded by Mr. Kauber. The Commission voted 6-1 in favor of the motion. (Ayes: Collins, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: Gilmer.)

Vice Chair Collins said for Items B and C, he would need to recuse himself on those two items and he would turn the meeting over to Mr. Gilmer.

Mr. Kauber moved that Vice Chair Collins be recused from Items B and C, seconded by Ms. Shipman. The Commission voted 6-0-1 in favor of the motion. (Ayes: Gilmer, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: None. Abstain: Collins.)

**B. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL AND RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) MAXIMUM OF 36 APARTMENT UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST AND WEST SIDES OF BOOKER STREET NORTH OF CUNNINGHAM STREET – FOR SHARPE HOLDINGS, LLC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Acting Chair Gilmer opened the public hearing.

Jim Galyon, 5209 Bodie Lane, said he represented Tony Collins, his business partner, and Allen Sharp of Sharp Holdings, LLC. He said the subject property was a depressed property within a re-emerging area. They had talked with representatives from A&T State University and were advised the University's student population would be increasing over the next several years. That increase will necessitate beds for heads. He felt this was a good opportunity to fulfill a need that the A&T community will have. It would also redevelop an area and the area will not be boarded up any more. This development fits within the confines of the Comp Plan and will improve the neighborhood. They plan for the development to be on three levels.

There were no other speaks and the public hearing was closed.

Mr. Hails said staff felt the request was very much in keeping with the Comp Plan, both the density of the

proposal as well as the reinvestment and quality of neighborhood concerns in the plan as well. Staff was in strong support of this request.

Mr. Schneider moved approval of the ordinance, seconded by Mr. Kauber. The Commission voted 6-0-1 in favor of the motion. (Ayes: Gilmer, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: None. Abstain: Collins.)

**C. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) LIMITED TO 24 TOWNHOME UNITS DESIGNED FOR SALE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF LEES CHAPEL ROAD BETWEEN HERITAGE CREEK WAY AND YANCEYVILLE STREET – FOR RAYMOND E. PHILLIPS. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Acting Chair Gilmer opened the public hearing.

Jim Galyon, 5209 Bodie Lane, said he was representing Raymond Phillips. They see this as an opportunity to improve an emerging area. They went to the Board of Adjustment, which allowed them to have the reduced lot width coming off of Lees Chapel Road. They wish to build 24 townhome units for sale. They had spoken to only one neighbor, Karen Pruitt, who had the adjacent property on Lees Chapel Road. She had some concerns, but their representative had met with her and discussed her concerns. This meets the Comp Plan's promotion of mixed income neighborhoods and moderate residential of six to 12 dwelling units per acre. They had checked the tax cards on other adjoining or nearby properties and found that those were rental properties. Therefore, they did not have a neighborhood meeting on this project.

Karen Pruitt, 4003 Yanceyville Street, said she did not own property on Lees Chapel Road. She owned the three adjoining lots on the Yanceyville side. No one from their organization had contacted her. She had left a message with them last week and they just returned her call this morning and they briefly spoke. She had not met with Mr. White, but did speak with him just for a moment on the phone this morning. She said she was not opposed to the rezoning of this property. She was, however, requesting that the Commission consider requiring the applicant to install an 8-foot privacy fence as part of the buffer zone on the east and south sides of their property. There was already an 8-foot buffer zone on the west side that was erected by the Dover Villa project. She said the depth from the back of her house to where their property would be very deep, but it was not deep at all. They just have a lot of trees in a very narrow position. The only entrance and exit requested for the development was on Lees Chapel Road. She was concerned that many of the residents of the proposed development would see a substantial shortcut to Yanceyville Street through her property. The safety and security of a privacy fence would help control this unwanted foot traffic.

Acting Chair Gilmer advised Ms. Pruitt that this Commission did not have the authority to require the applicant to put up a privacy fence.

In rebuttal, Jim Galyon apologized to Ms. Pruitt and said there had been a miscommunication between him and the gentleman who worked with him. He said the fence would be something in which they would be interested as well because good fences made good neighbors. They certainly want to be good neighbors.

Acting Chair Gilmer closed the public hearing.

Mr. Hails said the GFLUM showed this area as moderate residential, six to 12 dwellings per acre. The

request was consistent with that. In addition, as noted, it also supported compact mixed housing policies in the area as well. Context of this site was that there was a multifamily development to the west, there was single-family to the north, south and east. However, they thought there were some differences between this site and the Kenneth proposal. One, it was accessing and close to two major thoroughfares as opposed to a residential street. There would be a 20-foot landscape buffer required on all sides of this property that adjoins single-family uses. As noted, many of the houses that were nearby were on fairly large lots and not immediately close to the boundaries of this site. As such, staff felt that the proposal was generally compatible with the surrounding area in addition to conforming to the Comp Plan and they recommend approval of the request.

Ms. Shipman said she would be opposing this request and gave her reason for doing so.

Mr. Schneider moved the ordinance, seconded by Mr. Haynes. The Commission voted 5-1-1 in favor of the motion. (Ayes: Gilmer, Haynes, Kauber, Schneider, Spangler. Nays: Shipman. Abstain: Collins.)

Mr. Gilmer said he would not be participating in Item D. He had talked with the City Attorney and it was possible that he could have a conflict of interest.

Mr. Kauber moved that Mr. Gilmer be recused from participation in Item D, seconded by Mr. Schneider. The Commission voted 6-0-1 in favor of the motion. (Ayes: Collins, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: None. Abstain: Gilmer.)

Ms. Shipman said she too had a conflict of interest as to Item D and asked to be recused.

Vice Chair Collins called for a five-minute recess (3:15-3:20 p.m.)

Counsel Carr said based on the conversation she had with Ms. Shipman during the break, she was convinced that Ms. Shipman had sufficient grounds to request recusal.

Mr. Kauber moved that Ms. Shipman be recused from participation in Item D, seconded by Mr. Schneider. The Commission voted 5-0-2 in favor of the motion. (Ayes: Collins, Haynes, Kauber, Schneider, Spangler. Nays: None. Abstain: Gilmer, Shipman.)

**D. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITION: 1) TEMPORARY HOUSING AND ACCESSORY USES, OPERATED AND MAINTAINED BY NONPROFIT, SOCIAL OR HUMAN SERVICE AGENCIES, FOR THOSE PERSONS TEMPORARILY DISPLACED; HOWEVER, SAID PERIOD OF TEMPORARY HOUSING SHALL NOT EXCEED 30 DAYS. - TO CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO ADULT SUBSTANCE ABUSE/MENTAL HEALTH SERVICES, INCLUDING RESIDENTIAL CARE, OUTPATIENT SERVICES AND DAY TREATMENT SERVICES. TEMPORARY HOUSING MAY BE PROVIDED FOR A PERIOD OF ONE (1) DAY AND A MAXIMUM OF 28 DAYS. 2) EXISTING BUILDING WILL BE RETAINED AND RENOVATED. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF EAST LEE STREET BETWEEN MURROW BOULEVARD AND MARTIN STREET – FOR D.R.E.A.M.S. TREATMENT SERVICES, INC./BRENDA SMITH-WILLIAMS. (DENIED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

Brenda Smith-Williams, 5720 South Lake Drive, said that as to D.R.E.A.M.S. Treatment Services there

were lots of things that she could stand and talk about. However, she felt the most important thing for everybody to understand was the term "treatment" and she felt that was where they had parted ways. She then described the treatment of D.R.E.A.M.S. Services. This treatment was counseling, including individual, group and family counseling. No medication would be administered there. The counseling services were for both inpatients and outpatients. D.R.E.A.M.S. Services does no detoxification. Anyone needing this type of service was referred to a detox facility. They do not have a psychiatrist or medical doctor on their staff. Their staff consists of qualified, certified and licensed professional substance abuse folks.

The following persons also spoke in support of this request:

Otis Wilson, 5 Round Hill Court, said he managed this property for Mt. Zion Baptist Church. He felt this would help in the Ole Asheboro area by not having this property as a blighted area.

John Rhodes, #6 Battle Court, enumerated the things that were done to the property to improve it. This was all done with no funding, only sweat equity by volunteers.

Elaine Morgan, 131-T Greenbriar Drive, said D.R.E.A.M.S. was there to give help to anyone who needed their services. She felt this facility was needed here.

Wanda Hendrick-Cooper, 815 Gregory Street, said her neighborhood was actually Glenwood and she was physically close to the location into which D.R.E.A.M.S. was going. She took D.R.E.A.M.S.'s business proposal to her neighborhood association and they were all greatly in support of this facility. The Servant House was now in their neighborhood and it was not a liability to their neighborhood. Since she was a recovering addict, she strongly supported those who seek help and those who give help.

Dobetta Pressley, 2109 Coliseum Boulevard, said she fully supported D.R.E.A.M.S. because she too was a recovering addict and alcoholic. D.R.E.A.M.S. gives people the hope that they don't have.

Leslie Young said she was here to stand up for what she believed in and she believed in D.R.E.A.M.S. She had been homeless and was a recovering addict. She thanked people like D.R.E.A.M.S. for not giving up on her.

Mable Devoice, 512 Spicewood Drive, said she had just done a walk-through of the facility of D.R.E.A.M.S. and it was beautiful. The 28-day program was something that many people could not afford, but they could get help at the D.R.E.A.M.S. facility.

Jan Smith, 2416 Cypress Court, High Point, said she too was a recovering alcoholic. She had known Ms. Smith-Williams for about 15 years and she was one person who never gave up on her. She felt this was a way to better the community.

Sam Morton, 509 Carr Street, High Point, said she knew Ms. Smith-Williams from working with her in High Point. She too was a recovering alcoholic and addict of nine years.

Tonda Osteen, 207 Matt Place, said she was also a student at Guilford College studying Community and Justice studies. Over three years ago on her first clean day, she totaled a new truck, found out she was pregnant and got shot at eight to 12 times. She was a homeless, single pregnant woman and by the people in this community reaching out and believing in her, she was able to become a homeowner and now she was a senior at Guilford College. She was raising her son and had a lot of support in this community.

Brenda Barrett, 924 Bellevue Street, said she and Ms. Smith-Williams used to work at the same location,

Alcohol and Drug Services. She said Ms. Smith-Williams really believed in doing things right. She will represent this neighborhood well.

Kenneth Williams, 5720 South Lake Drive, said he was Ms. Smith-Williams' husband. He had run the rehabilitation of this building. He had just retired from Gilbarco and he would now help his wife make her D.R.E.A.M.S. come true.

Several persons voiced their opposition to this request, their oppositions being: this center would bring the undesirable people back to their community; the location was wrong for this facility; would lower property values; last year Mt. Zion talked with the community about a facility for women who were getting out of jail or prison, which was totally different facility than D.R.E.A.M.S.; does not fit within the Comp Plan; community does not need another drug treatment center or rehabilitation center; none of the people who spoke in support of this facility live in this neighborhood; would be a step backwards for the neighborhood; would be undesirable to put rehab facility in area where drugs are being sold. Those persons speaking in opposition were Tony Henderson, 608 East Lee Street; Dorothy Brown, 603 Julian Street; Tara Napper, 308 Murray Street; Phyllis Royster, 414 Martin Luther King, Jr. Drive; Otha Collins, 729 Plott Street; Charlie Conner, 338 Murray Street; George Frederick, 211 Southside Square; Sam Pass, 515 Martin Street; Andrea Glover, 612 East Lee Street; Chris Collins, 729 Plott Street; Bob Isner, 4 Bryan Court (builder for Southside); and Carolyn Williams, 306 Burton Street.

An explanation of the difference between the present zoning and the rezoning request was that the conditions of the rezoning would limit the facility to temporary housing as well as outpatient service as well as day treatment services.

Rebuttal for proponents was given by Brenda Smith-Williams and John Rhodes. Treatment staff had never given out food or clothes to anyone in that community. They will also endeavor to serve women who are coming out of prison. She had provided substance abuse education and treatment to the residents of Pathways. They were not asking to do anything different than what was already there. Mr. Rhodes said he was a former resident of Martin Street and one of the reasons they chose this location was he wanted to see this neighborhood become better. The people this facility will serve are not violent people. The people they will serve are the people who are trying to get help.

Rebuttal for opponents was given by Sam Pass, Carolyn Williams and Dorothy Brown. They feel there was nothing wrong with a drug treatment center, just not in their neighborhood because of what they were experiencing there. A drug treatment center was not the only thing that could be put on that property under the present zoning. This drug treatment center did not compare with Pathways that was there. This facility would tear up the community again. The conditions say that temporary housing may be provided. "May" means anything can happen. It doesn't say it will or will not happen. None of the persons speaking in support would be affected by this facility since none of them live in this neighborhood.

Vice Chair Collins closed the public hearing.

Mr. Hails said this was obviously a very difficult case with many passions from all the citizens involved with the community. Staff had tried to weigh and balance many considerations as well. The proposed location for a community service and at the same time important neighborhood improvement efforts. The Comp Plan addressed numerous issues related to this case. The GFLUM calls for low residential and mixed use residential at this location. There was a neighborhood section of the Comp Plan that talks about the need to provide safe and clean environment for neighborhoods and housing and convenient access to community services facilities and amenities. The Plan also talks about the need for reinvestment. This request was only to change and permit the day treatment and services as a principal use of the site as mentioned, but housing may also be permitted at the site as well. He noted there were three redevelopment plans that had been adopted by City Council in the last 15 years. The evolving plans were where under State law in an area certified as containing slums and blight and it sets the stage for public reinvestment in those areas with land use plans and zoning called for acquisition/disposition of property.

In summary, staff felt there had to be a balancing of residential policies in the Plan and the need for services in the community. Staff felt this location was not one to support expanded treatment uses at this site. They support continuing the residential uses permitted at this location in the residential section and staff recommended against the rezoning request.

Mr. Schneider said he was still somewhat confused by what was permitted on the property under the present zoning and what would be permitted under the requested rezoning.

Counsel Carr said there was a word that she thought might help solidify this and that was the word "required." Housing was required so it must be the principal use for that. In the requested change was not required, it was simply permitted. This was brought out by one of the opposition speakers in that temporary housing "may" be required.

Vice Chair Collins said that from Mr. Hails' comments, he understood the site was not in compliance, but was very close.

Mr. Kauber said he had teenagers and he was very aware of the drug problem in Greensboro. However, this was similar to a recycling facility request that came before the Commission a few months ago. Everybody says we need such a facility, but nobody wanted it in their neighborhood. The same with the drug treatment facility. Everybody says it was needed, but no one wanted in their neighborhood. Where do these things go?

Mr. Haynes said he thought they should go into a more open area. He said 18 months ago, an applicant tried to rezone for a grocery store on Gorrell Street and this Commission turned it down because the citizens had endeavored to clean up that area. He felt that this center should not be in this community. By open area, he meant an area that was not residential. He said to look at the east side. Twelve months ago the Commission approved a Malachi Center on Huffine Mill Road. Youth Focus was on Huffine Mill Road about two blocks away. We are still in the east side and they were trying now to put up another center. He would say it was a distribution problem; everything ends up in the same place.

Mr. Kauber said he would have hoped that the neighborhood organizations and D.R.E.A.M.S. could have gotten together and resolved some of this. He got the impression that not a whole lot of effort went into that attempt. He hopes that either way this goes that there will be an effort made between the two groups to try to resolve at least some of those issues. He was going to vote against this, but this was possibly the hardest vote he had had as a Zoning Commissioner.

Ms. Spangler moved that the Commission deny this request, seconded by Mr. Haynes. The Commission voted 5-0-2 in favor of the motion. (Ayes: Collins, Haynes, Kauber, Schneider, Spangler. Nays: None. Abstain: Gilmer, Shipman.)

Vice Chair Collins called for a five-minute recess.

**E. AN ORDINANCE REZONING FROM RM-12 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) MAXIMUM OF FOUR APARTMENT UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF BERNAU AVENUE BETWEEN FAIRFAX ROAD AND BAKER AVENUE – FOR GLENDA D. WOMACK. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

James Moore, 4615 James Carson Drive, Jamestown, said he was presently property manager of the

subject property and he also manages the property adjacent to it. He represented Ms. Womack since she had to be out of town at this time. She wishes to build and provide decent and affordable homes for the elderly on the property. She was in the process of getting everything into place now because she felt that the elderly need decent housing and she wanted to provide housing for them.

There were no further speakers and the public hearing was closed.

Mr. Hails said the GFLUM on this property showed high density residential in close proximity to an industrial corporate park. It also called for policies supporting compact development involving houses in these areas. The context was it was on two sides surrounded by multifamily existing housing and immediately west of that was located a major heavy industrial site. Staff felt multifamily housing in general was a good transition, a good use in stepping down residential single-family areas to industrial areas. This has good access from some thoroughfares in the area as well and they think it was a good location for the proposed development. Staff supported the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Collins, Gilmer, Haynes, Kauber, Schneider, Shipman, Schneider. Nays: None.)

#### **ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Hails said Chairman Wolf had said he wanted to visit the issue of possibly reducing the speakers' time at the public hearings. Since Chair Wolf was absent today, he thought the Commission might want to carry that discussion over until the next meeting.

Vice Chair Collins said he agreed that that issue should be carried over. Today was a good example. However, he thought it was just trying to look at their rules and make sure that the Commission was fair and get the right information. No one had a problem with moving this discussion to the next meeting.

Mr. Hails noted that the Commission had two new appointments. Evelyn Miller would be taking the place of Mr. Haynes. Zack Matheny has been appointed to replace Mr. Byrd and staff hoped to have them on board for the September meeting.

The Commission thanked Mr. Haynes for his many years of fine and thoughtful service.

#### **ACKNOWLEDGMENT OF ABSENCES:**

The absences of Chair Wolf and Commissioner Byrd were acknowledged.

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There being no further business before the Commission, the meeting was adjourned at 5:24 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/ts.ps